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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/046,980	01/17/2002	Yoshinori Musha	H-1022	5400

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MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.  
1800 DIAGONAL ROAD  
SUITE 370  
ALEXANDRIA, VA 22314

EXAMINER
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WENDMAGEGN, GIRUMSEW

ART UNIT	PAPER NUMBER
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2621

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/29/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/046,980

Applicant(s)

MUSHA ET AL.

Examiner

Girumsew Wendmagegn

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 January 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments with respect to claim 1-13 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 1-7, 10-12 is rejected under 35 U.S.C. 102(e) as being anticipated by Kobayashi et al (Patent Number US 6,556,713).

Regarding claim 1 and 12, an image retrieving method for providing images as the results of retrieval, comprising the steps of: prompting a user to select one attribute information item or a plurality of attribute information items from attribute information items prepared in advance and to assign the selected attribute information to a designated area of an image which is divided into a plurality of area (see column 7 line 28-50); and retrieving images, which have area-attribute information produced using the selected attribute information in combination with information specifying an area of the

image which is divided into a plurality of areas, from an image database and providing the retrieved images(see column12 line6-10).

Regarding claim2, An image retrieving method according to claim 1, said steps of providing the retrieved images comprising the steps of: detecting corresponding areas within retrieved images in which attribute information common to the retrieved images is found(see figure22 steps s2205) ; and displaying the detected corresponding areas within file images in corresponding area on an output display means on which the images are displayed or represented(see figure22 steps s2209).

Regarding claim3, An image retrieving method according to claim1, wherein a range of retrieval is changed by performing any of the following manipulations: a manipulation of narrowing the range of retrieval by assigning one attribute information item or a plurality of attribute information items to one area or a plurality of areas to which attribute information has not been assigned (see figure 11 element 111 and 113); a manipulation of narrowing the range of retrieval by adding one attribute information, item or a plurality of attribute information items to one area or a plurality of areas to which attribute information has already been assigned( see figure 10 element 102 and 103); a manipulation of expanding the range of retrieval by deleting one attribute information item or a plurality of attribute information items from one area or a plurality of areas to which attribute information has already been assigned(see figure 11 element 111 and 113); a manipulation of narrowing the range of retrieval by assigning the same

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attribute information item or attribute information items as one attribute information item or a plurality of attribute information items, which is found in one area or a plurality of areas to which attribute information has already been assigned, to another area or another plurality of areas; a manipulation of changing the range of retrieval by changing the assignee of one attribute information item or a plurality of information items, which is found in one area or a plurality of areas to which attribute information has already been assigned, into another area or another plurality of areas(see figure 11 element 111 and 113); and a manipulation of changing the range of retrieval by changing one attribute information item or a plurality of attribute information items, which is found in one area or a plurality of areas to which attribute information has already been assigned, into another attribute information item or another plurality of attribute information items( see figure 10 element 102 and 103).

Regarding claim4, an image retrieving method according to claim 1 or 3, wherein when a line, a shape, or a texture is drawn on an area specifying means that is used to assign attribute information to a designated area, attribute information representing the line oriented in the direction of drawing or attribute information representing the shape or texture is added to attribute information concerning an area within an image to be produced which corresponds to the area on the area specifying means in which the line, shape, or texture has been drawn (see column11 line20-27).

Regarding claim5, An image database creating method for a database of image attribute information used to retrieve an image, comprising the steps of: dividing an image into a plurality of areas which are retrieved, extracting image features from each area, and providing the image features as attribute information (see column12 lines 6-10); producing area-attribute information using the attribute information in combination with information specifying the area of an image which is divided into a plurality of areas(see column12 lines 6-10); and recording the area attribute information in a database in association with the image(see column7 line 27-50).

Regarding claim6 and 10, An image retrieving device comprising: an attribute selecting means for selecting attribute information concerning an image area of an image which is divided into a plurality of areas (see figure1 KB); an area specifying means for assigning the attribute information to a designated area of an image which is divided into a plurality of area (see figure1 KB); an area-attribute information database in which area-attribute information produced using the attribute information in combination with information specifying the area is recorded(see figure1 disk); an image database in which image data to be provided is recorded (see figure1 disk); an image retrieving means for retrieving images that have attribute information, which is selected by said attribute selecting means, found in the areas thereof corresponding to the area designated by said area specifying means; and a means for displaying the retrieved images, wherein said image retrieving means retrieves the images of an area of an

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image that is divided into a plurality of area from said area attribute information database (see figure1 element 16,17 and 18).

Regarding claim7, an image retrieving device according to claim 6, wherein said a means for displaying the retrieved images comprising: a common area-attribute detecting means for detecting corresponding areas within retrieved images in which attribute information common to the retrieved images (see figure1 element 16,17 and 18).

Regarding claim11, An image database creating device according to claim10, wherein an image is displayed, any symbol or keyword is assigned to one area or a plurality of areas within the image, the symbol or keyword is combined with information specifying the area, and the resultant information is treated as area-attribute information set forth in claim 1 (see column7 line 27-50).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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TTG  
3/28/07  
Claim9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kobayashi et al (Patent Number US 6,556,713) as applied to claim<sup>1-7 and 10-12</sup>~~1-12~~ above, and further in view of Nikawa et al (Patent Number US 6,834,130).

Regarding claim9, see the teaching of Kobayashi et al above. Kobayashi does not teach image being displayed sequentially. However Nikawa et al teaches displaying image sequentially (see column1 line 29-35).

One of ordinary skill in the art at the time the invention was made would have been motivated to incorporate displaying of image sequentially as in Nikawa et al in to Kobayashi et al system because it would make retrieving much effective.

TTG  
3/28/07  
Claim8 and 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kobayashi et al (Patent Number US 6,556,713) as applied to claim<sup>1-7 and 10-12</sup>~~1-12~~ above, and further in view of Tanahashi et al (Patent Number US 5,533,186).

Regarding claim8 and 13, see the teaching of Kobayashi et al above. Kobayashi does not teach a synthetic image of the corresponding areas within the retrieved images is displayed or the corresponding areas within the retrieved images are displayed while being sequentially switched. However Tanahashi teaches a synthetic image (symbols) of the corresponding areas within the retrieved images is displayed.(see column6 line2-7)



One of ordinary skill in the art at the time the invention was made would have been motivated to incorporate displaying of synthetic image as in Tanahashi et al in to Kobayashi et al method because it would help the user to confirm the retrieval result.

Therefore, the invention as a whole would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made, absent unexpected results to the contrary.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Girumsew Wendmagegn whose telephone number is 571-270-1118. The examiner can normally be reached on 7:30-5:00, M-F, alr Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tran Thai can be reached on (571) 272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Thai Tran

Supervisory Patent Examiner

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